

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

TIMOTHY GRAHAM #M0613

PETITIONER

VS.

CIVIL ACTION NO. 4:10cv90 TSL-LRA

JIM HOOD and DALE CASKEY

RESPONDENTS

ORDER

This cause came on this date to be heard upon the report and recommendation of United States Magistrate Judge Linda R. Anderson, and the court, having fully reviewed the report and recommendation entered in this cause on December 7, 2010, and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge Linda R. Anderson entered on December 7, 2010, be, and the same is hereby adopted as the finding of this court, that the [8] motion to dismiss filed by respondents is granted, and the petition for writ of habeas corpus is hereby dismissed without prejudice due to petitioner's failure to exhaust and comply with previous orders of this court.

A separate judgment will be entered herein in accordance with this order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 29th day of December, 2010.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE